

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RESHMI MANDAL,

Plaintiff,

-against-

WILKING NUNEZ, et al.,

Defendants.
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NOT FOR PUBLICATION

ORDER

14-CV-7002 (CBA) (PK)

AMON, Chief United States District Judge:

Plaintiff Reshmi Mandal, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 on November 26, 2014. (D.E. # 1.) Now before the Court is the Report and Recommendation (“R&R”) of the Honorable Viktor V. Pohorelsky, United States Magistrate Judge, dated June 22, 2015. (D.E. # 11.) The R&R recommends dismissal of this action without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). No party has objected to the R&R and the time for doing so has passed.

When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted). The Court has reviewed the R&R and, finding no clear error, adopts Magistrate Judge Pohorelsky’s recommendation to dismiss this action without prejudice with the following additional discussion.

Throughout these proceedings, attempts to communicate with Mandal by mail have been unsuccessful. (See D.E. # 4, 6, 8, 9.) When a party changes addresses, it is her obligation to notify the Court of the new address. See Concepcion v. Ross, No. 92-CV-770 (ILG), 1997 WL 777943,

at *1 (E.D.N.Y. Oct. 28, 1997). Due to the diligent efforts of chambers staff, Mandal was eventually reached by telephone and instructed that she must provide information about how the Court could communicate her. (R&R at 1; D.E. # 10.) Mandal never provided this information. She also failed to attend the conference scheduled for June 19, 2015, despite Magistrate Judge Pohorelsky's explicit warning that failure to do so would result in dismissal of this action. (R&R at 2.) Mandal did not object to the R&R and has not otherwise contacted the Court in the more than nine months that have passed since the R&R was issued. Accordingly, the Clerk of Court is directed to enter judgment dismissing this action with prejudice and close the case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962.)

SO ORDERED.

Dated: April 4, 2016
Brooklyn, New York

Carol B. Amon


Carol Bagley Amon
Chief United States District Judge